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April 21, 2010

BY HAND DELIVERY

Cynthia T. Brown
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

APR 21 2010

Part of
Public Record

Re: STB Ex Parte No. 558 (Sub-No. 13)
Railroad Cost of Capital – 2009

Dear Ms. Brown:

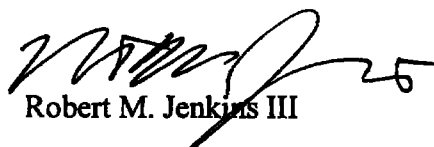
In accordance with the STB's decision served March 30, 2010, in the referenced proceeding, BNSF Railway Company ("BNSF") hereby gives notice of its intent to participate as a party in this proceeding. BNSF apologizes for any inconvenience caused by our having delayed in filing this notice beyond the due date. If you have any questions concerning this filing, please contact me by telephone at 202-263-3261 or by e-mail at rmjenkins@mayerbrown.com.

Please add the following to the service list as counsel on behalf of BNSF:

Richard E. Weicher
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Sincerely yours,


Robert M. Jenkins III

RMJ/bs

cc: Richard E. Weicher
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